



10 JUL 2008

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of
YOSHIDA et al.
Application No.: 10/594,663
PCT No.: PCT/JP05/06078
Int. Filing Date: 30 March 2005
Priority Date: 30 March 2004
Attorney Docket No.: F-9177
For: SPREAD OUT TYPE PAPER DIAPER

DECISION ON
RESPONSE

This is a decision applicant's response to Notification of Missing Requirements filed in the United States Patent and Trademark Office (USPTO) on 12 May 2008.

BACKGROUND

On 28 September 2006, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee. On 26 October 2006, applicant filed an executed declaration identifying Izumi Watanabe, Ryoichi Yamada and Takeshi Uchida.

On 25 September 2007, the Office mailed Notification of Missing Requirements indicating that declaration was not in compliance with 37 CFR 1.497(a) and (b), in that the inventors listed on the declaration were not the same as listed on the international application. On 29 October 2007, applicant filed a response.

On 10 April 2008, a Notification of Defective Response was mailed to applicant indicating that the declaration did not identify inventor Hideaki Yoshida.

On 12 May 2008, applicant filed a declaration identifying and executed by Hideaki Yoshida as sole inventor.

DISCUSSION

A review of the declaration filed on 12 May 2008 reveals that the declaration is in the Japanese and English language. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. The declaration is not the USPTO form (PTO/SB/106). Nor is the declaration accompanied by a statement that the translation is

accurate. Thus, the declaration is unacceptable as filed.

CONCLUSION

The declaration originally filed on 12 May 2008 is unacceptable as filed. Applicant is required to correct the above-noted defects within **TWO (2) MONTHS** from the mail date of this Decision. Extensions of time are NOT available.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration
Telephone: 571-272-3286
Facsimile: 571-273-0459